

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings includes changes to Figures 1-6. These sheets, which include Figures 1-6, replace the original sheets including Figures 1-6.

Each of Figures 1-6 are amended to remove excess and extraneous marks and speckle such that the lines of the drawings are clearly defined.

Attachment: Replacement Sheet(s)

REMARKS

The application has been amended and is believed to be in condition for allowance.

Amendments to the Disclosure

Each of Figures 1-6 are amended to remove excess and extraneous marks and speckle such that the lines of the drawings are clearly defined.

Claims 6, 13, and 14 are amended to overcome the Official Action's formal objections and rejections.

Claims 1-17 are further amended to address other antecedent basis issues and formal issues in consideration of U.S. practice and preferences.

None of the amendments to the claims or the drawing figures indicated above introduce any new matter.

New claims 18-20 are introduced to further distinguish the invention over the prior art. Claims 18 and 20 are independent. Claim 19 depends from claim 4. The new claims find support in the specification and the drawing figures as originally filed (e.g., page 6, lines 6-28; page 7, lines 9-15; Figures 1-6) and do not introduce new matter.

Formal Matters - Objections to the Drawings

The Official Action objected to the drawing figures, stating that the lines of the drawings are not clean and well-defined.

In response, Figures 1-6 are amended to remove excess speckle and sharpen the lines of the drawings. No new matter is introduced by way of these amendments.

The amendments are believed to place the drawings into compliance with the standards for drawing figures as defined by 37 CFR 1.84. Withdrawal of the objection to the drawing figures is thereby respectfully solicited.

Formal Matters - Objection to Claim 13

The Official Action objected to claim 13 over an antecedent basis issue.

In reply, claim 13 has been amended responsive to the suggestion provided by the Official Action. Withdrawal of the objection to claim 13 is thereby respectfully requested.

Formal Matters - Section 112, second paragraph

The Official Action rejected claims 6, 13, and 14 under 35 USC 112, second paragraph over issues of antecedent basis.

In reply, claims 6, 13, and 14 are amended in a manner believed to overcome the Official Action's rejections. Withdrawal of the rejections under 35 USC 112, second paragraph is respectfully solicited.

Substantive Issues - Sections 102 and 103

The Official Action rejected claims 1, 3, and 7 under 35 USC 102(b) as being anticipated by Wu (US 6,379,631; "WU").

The Official Action rejected claims 1 and 4-6 under 35 USC 103(a) as being unpatentable over Liu (US 4,615,461; "LIU") in view of WU.

The Official Action rejected claims 1, 8-10, and 12-17 under 35 USC 103(a) as being unpatentable over Wahlquist (US 4,671,943; "WAHLQUIST") in view of WU.

The Official Action rejected claim 2 under 35 USC 103(a) as being unpatentable over WU in view of Hurson (US 5,525,314; "HURSON").

The Official Action rejected claim 11 under 35 USC 103(a) as being unpatentable over WU in view of Tsai (US 5,732,820; "TSAI").

The rejections are respectfully traversed for at least the reasons that follow.

For each rejection of claim 1, the Official Action offers WU as teaching securing a lid to a container with vertical flanges taking hold of the container and co-operating with said plane portion to form unclipping opening means actuated by pressing on said vertical flanges as if pressing on a clothes peg.

Applicants respectfully disagree. It is respectfully submitted that WU fails to teach vertical flanges co-operating with a plane portion to form unclipping opening means actuated by pressing on the flanges. On the contrary, WU makes no teaching

of any co-operation of between the vertical flanges 86 with the plane portion 80.

At best, WU teaches a co-operation with the vertical flanges 86 and torsion bars 90 which serve as the only elements connecting the vertical flanges 86 to the rest of WU's apparatus. The torsion bars 90 extend inwardly of a recess portion 88 from opposing sidewalls 92 thereof to rotatably support the vertical flanges 86 and serve to bias the vertical flanges 86 into a standing, engaged position and allow a limited amount of rotation away from the engaged position (column 8, lines 35-44; Figure 5). There is neither teaching nor suggestion of any co-operation between the vertical flanges 86 and any plane portion (e.g., element 80).

It is further respectfully submitted that claim 1 is amended to more clearly recite this distinguishing feature of the invention. None of the cited references, individually or in combination, teach or suggest a plane portion configured to accommodate a stress deformation responsive to a pressure applied on said vertical flanges, wherein said stress deformation causes said vertical flanges to rotate in response to said pressure and thereby unclip the closure means.

As stated above, WU makes no teaching or suggestion of a co-operation between the vertical flanges 86 and a plane portion. Moreover, WU makes no teaching or suggestion of a plane portion configured to accommodate a stress deformation responsive

to a pressure applied on the vertical flanges 86. On the contrary, WU clearly teaches that all stress deformation applied by way of the vertical flanges 86 is carried by the torsion bars 90.

Even if pressure upon upper portion 106 of the vertical flanges 86 is applied against the surface of the recessed portion 88, there is no teaching or suggestion that the plane portion 80 is configured to deform responsive to said pressure, much less deform in a manner that causes the vertical flanges 86 to rotate and unclip the lid (see Figure 5).

For at least the foregoing reasons, it is respectfully submitted that WU fails to teach at least the plane portion as recited in claim 1. Accordingly, the cited references, either individually or in combination, fail to teach all the features recited in claim 1. It is therefore respectfully submitted that claim 1 is patentable over the reference cited by the Official Action.

It is also respectfully submitted that the claims depending from claim 1 are patentable over the cited references at least for depending from a patentable parent claim.

It is further respectfully submitted that new claims 18-20 are patentable over the cited references at least for the reasons set forth above as to claim 1.

Reconsideration and allowance of the claims are respectfully requested.

From the foregoing, it will be apparent that Applicant has fully responded to the January 23, 2009 Official Action and that the claims as presented are patentable. In view of this, Applicant respectfully requests reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, the Examiner is invited to telephone the attorney for Applicant at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful in advancing prosecution.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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**APPENDIX:**

The Appendix includes the following item(s):

- ☒ - Replacement Sheets for Figures 1-6 of the drawings